

5376. (F. D. C. No. 40006. S. Nos. 38-370 M, 43-084/5 M, 43-087/8 M, 43-101 M.)
INFORMATION FILED: 7-5-57, E. Dist. Mo., against Charles R. Davis and Francis
A. Mueller (manager and assistant manager, respectively, of Gasen Drug
Store No. 3), St. Louis, Mo.

CHARGE: Between 6-1-56 and 7-7-56, *diethylstilbestrol Enseals* (timed disintegrating tablets) and *Tuinal pulvules* were each dispensed twice and *Gantrisin tablets* and *Serpasil tablets* were each dispensed once upon requests for prescription refills without authorization by the prescriber.

PLEA: Guilty by Davis to 3 counts and by Mueller to the 3 remaining counts.

DISPOSITION: 9-4-57. Each defendant fined \$600, plus costs, given a jail sentence of 6 months, which was suspended, and placed on probation for 1 year.

5377. (F. D. C. No. 40142. S. Nos. 52-589 M, 52-591 M, 52-593 M, 62-761/3 M.)
INFORMATION FILED: 7-1-57, E. Dist. N. Y., against Hy's Pharmacy (a partnership), Brooklyn, N. Y., and Hyman Weiss (partner).

CHARGE: Between 9-27-56 and 10-24-56, *Gantrisin tablets* and *Tuinal capsules* were each dispensed twice and *Chloromycetin capsules* and *Metandren Linguets* were each dispensed once without a prescription.

PLEA: Nolo contendere.

DISPOSITION: 10-31-57. \$600 fine against each defendant.

5378. (F. D. C. No. 39396. S. Nos. 39-952 M, 39-954 M, 39-956/7 M.)
INFORMATION FILED: 2-4-57, N. Dist. Ill., against Abraham A. Schwartz, t/a
Center Cut Rate Drugs, Chicago, Ill.

CHARGE: Between 5-10-56 and 6-25-56, *Aureomycin capsules*, *Achromycin capsules*, *Seconal Sodium tablets*, and *secobarbital sodium capsules* were each dispensed once without a prescription.

PLEA: Guilty.

DISPOSITION: 3-20-57. The court imposed a fine of \$400 of which \$200 was suspended, and ordered the defendant to serve 1 hour in the custody of the United States marshal.

5379. (F. D. C. No. 39999. S. Nos. 34-246 M, 34-248 M.)
INFORMATION FILED: 7-9-57, W. Dist. Okla., against Charles Vance Dodge,
t/a Dodge Drug Store, Ponca City, Okla.

CHARGE: Between 8-23-56 and 9-21-56, *Aureomycin capsules* were dispensed twice without a prescription.

PLEA: Nolo contendere.

DISPOSITION: 9-6-57. \$20 fine.

5380. (F. D. C. No. 40146. S. Nos. 47-076/9 M, 47-085/6 M, 59-179 M.)
INFORMATION FILED: 7-18-57, E. Dist. Pa., against Hill Pharmacy (a partnership) and Joseph J. Kaback (partner).

CHARGE: Between 1-1-57 and 1-28-57, *Tuinal capsules* were dispensed three times and *Achromycin capsules* and *secobarbital sodium capsules* were each dispensed twice without a prescription.

PLEA: Nolo contendere.

DISPOSITION: 11-7-57. Fine of \$1,500 and probation for 2 years against defendants jointly.

U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

5381-5400

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve drugs and devices which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings terminated with the entry of default decrees of condemnation; (2) criminal proceedings terminated with a verdict of guilty; (3) injunction proceedings terminated with the entry of an injunction; (4) contempt proceedings for violation of an injunction which were terminated with a verdict of guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation; and the criminal, injunction, and contempt proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., January 26, 1959.

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN D. D. N. J. NOS. 5381-5400

Adulteration, Section 501 (b), the article purported to be and was represented as a drug, the name of which is recognized in an official compendium (United States Pharmacopeia or National Formulary), and its strength differed from the standard set forth in such compendium; Section 501 (c), the article was not subject to the provisions of Section 501 (b), and its strength differed from, or its purity or quality fell below, that which it purported or was represented to possess.

Misbranding, Section 502 (a), the labeling of the article was false and misleading; Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use.

New-drug violation, Section 505 (a), the article was a new drug within the meaning of Section 201 (p), which was introduced into interstate commerce, and an application filed pursuant to Section 505 (b) was not effective with respect to such drug.

NEW DRUG SHIPPED WITHOUT EFFECTIVE APPLICATION

5381. Pega Palo vine. (F. D. C. No. 40311. S. No. 65-347 M.)

QUANTITY: 68 pliofilm pkgs. at Elyria, Ohio.

SHIPPED: 3-30-57, from A-1 Import Co., Chicago, Ill., by Joe C. George, Jr.

LABEL IN PART: "Pega Palo Vine Packed by A-1 Import Company Chicago, Illinois Contents: 7 grams."

RESULTS OF INVESTIGATION: Examination of the article disclosed that it was *Pega Palo vine (Rhynchosia pyramidalis)*.

LIBELED: 6-4-57, N. Dist. Ohio.

CHARGE: 502 (f) (1)—the labeling of the article, when shipped and while held for sale, failed to bear adequate directions for use as an aphrodisiac, which was the purpose for which the article was intended; and 505 (a)—the article was a new drug which may not be introduced into interstate commerce since an application filed pursuant to law was not effective with respect to the drug.

DISPOSITION: 7-23-57. Default—destruction.

5382. Pega Palo vine. (F. D. C. No. 40312. S. No. 65-346 M.)

QUANTITY: 38 pliofilm pkgs. at Canton, Ohio.

SHIPPED: 3-30-57, from A-1 Import Co., Chicago, Ill., by Joe C. George, Jr.

LABEL IN PART: "Pega Palo Vine Packed by A-1 Import Company Chicago, Illinois."

ACCOMPANYING LABELING: Reprints entitled "Pega Palo The Vine That Makes You Virile" and streamers entitled "Pega Palo Cocktails."

RESULTS OF INVESTIGATION: Examination of the article showed it to be *Pega Palo vine (Rhynchosia pyramidalis)*.

LIBELED: 6-7-57, N. Dist. Ohio.

CHARGE: 502 (f) (1)—the labeling of the article, when shipped and while held for sale, failed to bear adequate directions for use as an aphrodisiac, which was the purpose for which the article was intended; and 505 (a)—the article was a new drug which may not be introduced into interstate commerce since an application filed pursuant to law was not effective with respect to the drug.

DISPOSITION: 7-23-57. Default—destruction.